

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 1079 (Application 5734)  
**Richard B. Rivera and Lilia P. Rivera**

**ORDER REVOKING LICENSE**

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SOURCE: Little Ram Creek tributary to French Creek thence North Fork of Feather River

COUNTY: Butte

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**WHEREAS:**

1. In accordance with the provisions of Section 1675 of the California Water Code, notice is hereby given that revocation of this license is proposed because the licensee has ceased to put the water granted under the license to a useful and beneficial purpose for five consecutive years or more. Section 1241 of the California Water Code provides for loss of an appropriative water right after five consecutive years of nonuse of the water.
2. The facts and information upon which the proposed revocation is based upon are the following:

Licensee advised in his Report of Licensee for the period of 1994 through 1996 that the project has been abandoned, there had been no use of water since 1976, and he wished to have License 1079 revoked and requested revocation.
3. On April 13, 2000, licensee was provided notice by certified mail of the proposed revocation. The notice provided the licensee the opportunity to object to the proposed revocation and request a hearing. A request for a hearing was not received from the licensee.

**THEREFORE:**

It is ordered that License 1079 is hereby revoked and cancelled upon the records of the State Water Resources Control Board pursuant to California Water Code section 1675 and the water is declared to be subject to appropriation.

*for*   
Harry M. Schueller  
Chief Deputy Director

Dated: **JAN 02 2003**

## **MAILING LIST**

### **CERTIFIED MAIL**

Richard B. Rivera and  
Lilia P. Rivera  
4340 Bald Rock Road  
Berry Creek, CA 95916

### **REGULAR MAIL**

U.S. Plumas National Forest  
c/o Forest Supervisor  
P.O. Box 11500  
Quincy, CA 95971

County Recorder  
County of Butte  
25 County Center Drive  
Oroville, CA 95965

bcc: Field File, WT, RG

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STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1079

PERMIT 2991

APPLICATION 5734

THIS IS TO CERTIFY, That **William Hayes of Berry Creek, California** Notice of Assignment (Over)

*has* made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Little Ram Creek in Butte County**

tributary of **French Creek and North Fork of Feather River**

for the purpose of **mining and domestic uses**

under Permit **2991** of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from **October 24, 1927;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **six tenths (0.6) cubic foot per second** from about **November 1st** to about **May 31st** of each season and throughout the remainder of the year as required for domestic purposes.

The point of diversion of such water is located **South forty-two degrees East (S 42° E) twenty-one hundred forty-five (2145) feet** from the one-quarter corner on West line of Section 32, T 22 N, R 6 E, M.D.B. & M. being within the **SE<sup>1</sup>** of the **SW<sup>1</sup>** of said Section 32.

A description of the lands or the place where such water is put to beneficial use is as follows:

**NE<sup>1</sup> of the SW<sup>1</sup> of Section 32, T 22 N, R 6 E, M.D.B. & M.**

Water is returned to Ram Creek within the **SE<sup>1</sup>** of the **NW<sup>1</sup>** of Section 32, T 22 N, R 6 E, M.D.B. & M.

The right to the use of water for domestic purposes under this license shall be equal, synchronous and collateral with that under approved Application 5735, and the right to the use of water for mining purposes under this license during the night hours from March 1st to May 31st shall be subordinate to such right as there may be to use water for irrigation purposes under approved Application 5735.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to conditions set forth in Section 20 of Chapter 586, Statutes 1931, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to a useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside said declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent and the value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of the permit or license, or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, or the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The provisions of this act for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first and foremost, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any person to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said works for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation shall be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness my hand and the seal of the Department of  
Works of the State of California, this 27  
day of June, 1931

EDWARD HYATT  
State Engineer

By Harold Conkling

12/5/36 RECEIVED NOTICE OF ASSIGNMENT TO Mary E. Van

7/7/58 RECEIVED NOTICE OF ASSIGNMENT TO Engineer K + Clara

7-9-64 RECEIVED NOTICE OF ASSIGNMENT TO Richard B. & Lilia Rivera

LICENSE 1079

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO William Hayes

DATED June 27, 1931

CALIFORNIA STATE PRINT